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COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 9 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Letter dated 2 November 2000 from the Permanent Representative of Azerbaijan to the United Nations Office at Geneva addressed to the secretariat of the Commission on Human Rights

I have the honour to transmit herewith the information of the State Commission of the Republic of Azerbaijan on Prisoners of War, Hostages and Missing Persons, entitled "Human rights violations with respect to prisoners of war and hostages kept in Armenia and the Nagorno Karabakh region of the Republic of Azerbaijan".

I would be grateful if you could circulate the present letter and the attached information* as an official document of the fifty-seventh session of the Commission on Human Rights under item 9 of the provisional agenda.

(Signed): Isfandiyar VAHABZADA

Ambassador
Permanent Representative

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* Reproduced as received, in English and Russian only.

GE.00-15886 (E)

Annex

Information on human rights violations with respect to prisoners of war and hostages kept in Armenia and the Nagorny Karabakh region of Azerbaijan

As a result of the aggression by the Republic of Armenia, one fifth of the territory of the Republic of Azerbaijan has been occupied and more than 800 settlements and 6,000 industrial, agricultural and other enterprises have been looted, plundered and destroyed as have 150,000 homes with a total area of over 9 million square metres and 4,366 social and cultural facilities, among them 690 secondary schools, 850 pre-school and 490 medical institutions, 927 libraries, 22 museums, 6 State theatres and concert halls, and so on. Farmland, water resources and water supply infrastructure have been put out of use and the rail, road, and other communication systems have been disrupted. All in all, enormous damage, provisionally estimated to be in the order of over US$ 22 billion, has been inflicted on the country's economy.

The main victims of Armenia's aggression are the totally innocent, peaceable inhabitants of Azerbaijan - the elderly, women and children. More than 18,000 people have been killed and more than 50,000 have been wounded and crippled. The number of refugees and displaced persons is around 1 million, more than 200,000 of whom are Azerbaijanis, Russians, Kurds and persons belonging to other ethnic groups deported from Armenia at the end of 1988.

Armenia is the first country since the war to have embarked on a criminal policy of ethnic cleansing and "scorched earth" tactics, of destroying and reducing populated areas to ashes, which constitutes a crime of genocide against the people of Azerbaijan. The tragedy of the Azerbaijani population of the town of Khojaly captured by Armenians in February 1992 attests to this fact. More than 1,000 peaceable inhabitants of this town were tortured to death or froze in the mountains while trying to escape from the violence. Appalling violations of the corpses of innocent victims were committed, including cases of scalping and decapitation. Hundreds of inhabitants of the town were driven into captivity. According to Khojaly inhabitants who escaped Armenian captivity, they were systematically subjected to torture and beatings and many women and children were raped.

The State Commission of the Republic of Azerbaijan on Prisoners of War, Hostages and Missing Persons has ample evidence of the crimes and blatant violations of the Geneva Conventions and Additional Protocols committed by the Armenian side.

Hundreds of Azerbaijani citizens have been tortured and killed in Armenian captivity. On 16 February 1994, the Ministry of Foreign Affairs of the Republic of Armenia issued a press communiqué confirming that eight Azerbaijani prisoners of war had been gunned down in Yerevan while trying to escape. After insistent requests from the State Commission, the bodies of 10 Azerbaijani prisoners were brought back from Yerevan to Baku on 23 March 1994 with representatives of the International Committee of the Red Cross; on 24 and 25 March 1994 these corpses were subject to forensic examination. They were photographed, and additional laboratory, chemical, histological, biological and investigative tests were performed on the bones, tissues and other organs. From the results of the analysis, it was ascertained that eight corpses had transverse bullet wounds to the temporal region of the head, in three cases the persons had been shot at point-blank range, and in the other cases at very close range, consistent with premeditated killing. During the examination, the liver, spleen and heart of one of the corpses was found to be missing and the pinna of the right ear had been cut off. Both ears and the right ear respectively had been cut off in two other cases. The seventh corpse had a transverse bullet wound from a shot to the front of the thorax; the eighth had a deep cut wound to the front of the neck; the ninth had multiple hairline fractures of ribs on both sides of the thorax, and the tenth showed advanced signs of emaciation [cachexia].

On 7 and 8 April, the bodies were examined for a second time by an independent expert from a neutral country, Professor Derek Pounder, who is recognized as an international expert in forensic medicine and a member of the Presidium of the International Academy of Legal Medicine and of Social Medicine and the British organization "Doctors for Human Rights". Having confirmed, in the main, the results of the examinations performed by the Azerbaijani commission of experts, Professor Pounder said that it was clear that six of the Azerbaijani prisoners of war had been shot at point-blank range in the upper part of the head with the same weapon (pistol), and dismissed the claim that they had died "while attempting to escape". This is one example of the Armenian authorities' persistent endeavour to misinform the international community of the true nature of the crime committed.

According to the Akhmedovs, who returned from Armenian captivity in 1994 (and live in a tented camp in Bardinsk district of Azerbaijan), their children Elchina and Fidaya were among 25 unarmed inhabitants of the village of Gajar in the Fizuli district of Azerbaijan who were surrounded on 17 August 1993 and shot by Armenian fighters.

When she returned from captivity, Arzu Amralieva (now living in a hostel in the town of Gandzha) reported that on 18 April 1993, the Armenian occupiers shot on the spot 19 of 30 people they taken hostage, including her husband, mother, sister, father-in-law, brother-in-law, sister-in-law, and the wife of her uncle.

Fifty-seven-year-old Gasan Guseinov (now living at 51 Rustamov Street, 8 km village, Baku) reported that on 23 October 1993, 26 out of 40 defenceless persons detained in the district of Goradiz village were killed.

Sixty-one-year-old Budag Alyshanov (now living in Yagubly, Oguz region) was a witness when, in the village of Drombon, an Armenian by the name of Arkady brutally killed five Azerbaijanis who were being made to perform heavy labour.

According to Raisa Nukhieva, who returned from Armenian captivity on 15 September 1994 (now living in Flat 45, 2 Z. Gambarov Street, Rasul-zad, Baku), Samaya Kerimova was unable to withstand the continued abuse and humiliation to which she and her 2-year-old daughter, Nurlana, were subjected and committed suicide in captivity. As a result of open wounds to her head and body, Nurlana nearly went blind and is currently staying with Raisa Nukhieva at the above address.

Fifteen-year-old Nazaket Mamedova (who lives at the former pioneer camp, Mardakan village, Baku) saw her father being tortured and his ear cut off. Her mother was driven insane by blackmail and threats, and in the end, her daughter was sold to the family for 4 million Russian roubles.

Vladimir Shevelev, who was born in 1926, was taken prisoner on 22 June 1993 in the town of Agdam. Hoping, in his words, that the Armenians would leave peaceable inhabitants - especially Russians - alone, he and members of his family remained in the town after it was captured by Armenians. His mother, sister and older, bedridden brother were shot before his very eyes. In one of the streets of Agdam he saw an Azerbaijani tank that had been blown up and was surrounded not only by the bodies of the crew members, but also by dead

women and children whose faces had been disfigured beyond recognition. Mr. V. Shevelev was released from Armenian captivity on 28 April 1994 and now lives in Flat 7, House 40, Street 39-40, Block 2213, Pirallakhy village, Baku.

A resident of the village of Bashlybely in Kelbajar district of Azerbaijan, Binnat Akhmedov (now living in a hostel at the Pedagogy Institute in the town of Gandzha) witnessed three Armenian fighters gunning down peaceable civilians, killing 10 and wounding several others, on 18 April 1994 during the occupation of Kelbajar district.

Murvat Agaev, a resident of the village of Kyurdmakhmudlu in Fizuli district, was taken hostage together with his son Yashar, who was killed in front of him. Mr. M. Agaev himself was severely beaten and his ear was cut off. His hands were bound with wire, he was suspended from a tree and a fire was lit beneath him, burning his feet. Mr. M. Agaev was released on 19 August 1994 and now lives in the village of Eni Geseb in Beylagan district of Azerbaijan.

According to Babaev, now returned from Armenian captivity, Magerram Makhyatdinov was driven insane by systematic beatings from Gazmanov, the deputy chief of police in the town of Gafan (Armenia), and died of internal haemorrhaging.

A large group of the Azerbaijani hostages being held by the Armenian side consists of entire families. For example, on 26 February 1992, six members of the Mamedov family, including three women, escaping the carnage in Khojaly fell into the hands of Armenian fighters. In March 1993, 15 members of the Guliev family from the village of Kiyasly in Kelbajar district were taken hostage, and in July of the same year, 19 members of the Hukhiev family, the oldest of whom was 80 and the youngest only 4, from Gerazylly in Fizuli district were also taken hostage.

As at 20 June 2000, the State Commission had registered 4,968 Azerbaijani citizens as missing as a result of the Armenian aggression. This figure includes 71 children, 320 women and 358 minors.

Information available to the State Commission shows that 783 of those considered missing, including 18 children, 43 women and 56 elderly people, were being held captive by the Armenians during the military action, although the Armenian side denies this fact even today. These people were not officially registered by the International Committee of the Red Cross. On the basis of the information obtained from former hostages and prisoners of war, a list of missing persons who are thought to have been captured by the Armenian side has been drawn up. The list also indicates where they may be being held.

A group seeking to promote the release of prisoners of war and locate missing persons, consisting of Bernhardt Klasen (Germany), Svetlana Gannushkina (Russian Federation) and Paata Zakareshvili (Georgia), has repeatedly travelled to Yerevan, Hankendi and Baku and received information in Yerevan in May 1999 concerning the Azerbaijanis on the missing persons list. It has been established that these prisoners of war died in Armenian captivity, although for more than six years the Armenian side denied the fact that they had been held in captivity. Once again, this illustrates that the imprisonment of hundreds of Azerbaijanis is being concealed from international organizations. According to the information received, the majority of them have died in captivity over the years; it is possible that, even today, dozens are still being held against their will and used as slaves.

State Commission of the Republic of Azerbaijan on
Prisoners of War, Hostages and Missing Persons

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

Note verbale dated 15 September 2000 from the Permanent Delegation of the League of Arab States to the United Nations Office at Geneva addressed to the United Nations High Commissioner for Human Rights

The Permanent Mission of the League of Arab States to the United Nations Office and Other International Organizations at Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to transmit herewith the report on Israeli practices in the occupied Palestinian and Arab territories during the period January to July 2000.

The Permanent Mission of the League of Arab States wishes to express its deep concern at the aggravation of the situation of Arab civilians in the territories occupied by Israel, as described in the attached report, and requests the Office of the United Nations High Commissioner for Human Rights to consider this report* as an official document and to circulate it to the members of the Commission on Human Rights at its fifty-seventh session.

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* Reproduced as received, in Arabic and English only.

GE.00-15893 (E)

Annex

Summary report on Israeli practices in the occupied Palestinian territory during the period from January to July 2000

The harsh ongoing Israeli practices against the Palestinian people have highlighted that people's ability to withstand the various forms of Israeli violations and acts of aggression, the most noteworthy of which are reviewed below:

Demolition of houses

The Israeli authorities demolished 20 houses in the city of Jerusalem. In the Mount of Olives district, they also demolished the Shihabi Building, which was constructed 85 years ago. According to Amnesty International, the Israeli authorities have demolished not less than 2,650 Palestinian houses in Jerusalem and the West Bank since 1987 on the pretext that they were built without a licence.

On 5 June 2000, Israeli occupation forces demolished a Palestinian house in the village of Al-Walja to the south of Jerusalem on the pretext that it had been built without a licence. Seven Palestinians were injured while attempting to prevent the Israeli forces from demolishing the house.

Uprooting of trees

Since the beginning of the year 2000, Israeli bulldozers and settlers have uprooted 8,495 vine, almond, pine and olive trees on the Beit Ummar-Hebron road, at the village of Abud (Ramallah) and in the villages of Basuf, Jalut, Deir Ballut and Kafr Qaddum in the western part of the governorate of Nablus. The total area of this agricultural land amounted to hundreds of dunums.

Acts of aggression by settlers

On 22 January 2000, in the town of Hebron, a large number of settlers threw stones at Palestinian vehicles, which were severely damaged as a result.

On 26 February 2000, settlers from Shivot Rahel forced their way into the Mas'aya area where they attempted, by force, to plough Palestinian-owned land.

Acts of aggression by the Israeli army and police

On 10 May 2000, three Palestinians were wounded in Nablus during confrontations with Israeli troops sent to protect settlers celebrating the anniversary of the establishment of the State of Israel.

On 9 July 2000, shots were fired at a Palestinian family near the settlement of Kfar Darom on the main road linking Rafah and Gaza, as a result of which the mother was killed and her husband and two children were severely wounded.

Israeli schemes against Jerusalem

Palestinian juristic and human rights studies centres have confirmed that the Israeli authorities are endeavouring to implement a scheme to divide Jerusalem into five areas in order to turn its Palestinian inhabitants into a minority and annex land without annexing its population in such a way as to ensure that the city's Arab population does not exceed 50,000.

The Israeli authorities are also withdrawing the identity cards of the Palestinian inhabitants of Jerusalem by various methods, such as requiring them to hand in their cards and then refusing to return them, thereby depriving them of their right of residence.

Raids on commercial establishments in the Holy City have continued. Their owners are handed notices warning them that they must pay exorbitant amounts of tax (the "arnona" property tax), failing which their stock is liable to be seized. Palestinian traders have suffered severe financial and economic losses and damage in this way.

Torture and detention of children

In its newsletter entitled "Small Hands", the Palestinian branch of the juristic movement Defence for Children International stated that Palestinian children living under Israeli occupation were being subjected to various forms of torture, ill-treatment and harsh interrogation, which prevented them from thinking and acting as children.

The movement strongly criticized the Israeli authorities for their renewed enforcement of Military Order No. 132 under which soldiers are empowered to detain young persons from

12 to 14 years of age, interrogate them and send them to a military court for an unfair trial in which they can be sentenced to terms of imprisonment.

The American Friends Committee condemned Israel for detaining 16 young Palestinians, in violation of international law, during the last Eid al-Fitr (festival celebrating the end of the month of fasting). It also condemned the military decision to conduct a campaign of arrests among Palestinian children, as a result of which more than 20 schoolchildren from Arroub camp to the north of Hebron were arrested on the pretext that they had thrown stones.

Israeli measures against Palestinian workers

The Israeli human rights organization Betzelem published a report on the degrading treatment and acts of violence to which Palestinian workers were being subjected by Israeli soldiers at the Erez checkpoint, where they were liable to be beaten, detained, humiliated and kept waiting under the burning sun. There were reports of cases in which shots had been fired at vehicles carrying workers, as a result of which some of them had been killed.

The organization indicated that the Israeli Shabak (General Security Service) was using its power to withdraw work permits and identity cards as a means to force workers to cooperate and provide information. The report emphasized that the situation of workers in Israel was one of the fields in which the peace process had not led to any improvement.

Acts of aggression against religious sites

On 30 May 2000, the Israel occupation authorities prevented the Palestinian Board of Islamic Awqaf (Religious Endowments) from continuing the renovation and maintenance work in which it was engaged at a mosque in the Jewish quarter of the occupied city of Jerusalem on the pretext that permits had not been issued.

On 28 June 2000, Sheikh Ikrima Sabri, the Mufti of Jerusalem, criticized the Jewish Agency for showing pro-Zionist films on the walls of the Al-Aqsa Mosque. He emphasized that the projection of such films provoked the feelings of Muslims.

The intifada of prisoners and detainees

On 15 May 2000, Israeli army units opened fire on Palestinian detainees in Megiddo prison during violent confrontations in which dozens of detainees were wounded, some of them seriously.

During these confrontations, which constituted a mini-intifada after the Palestinian detainees had been on hunger strike since 1 May 2000, the detainees threw stones and demanded their release and the improvement of conditions of detention in prisons.

The demonstrations of solidarity with Palestinian prisoners and detainees in Israeli prisons coincided with other demonstrations in the towns of the West Bank and Gaza Strip on the occasion of the fifty-second anniversary of the catastrophe in which the Palestinian people were driven from their homes in 1948.

During the confrontations, which lasted for nine days, seven Palestinians were killed, including a Palestinian policeman who died on 28 June 2000, and more than 1,000 were wounded as a result of the Israeli army's use of live ammunition, rubber bullets and gas grenades.

The BBC announced that the Israeli military forces had used the internationally prohibited dumdum bullets.

In its statistical report on Palestinian detainees in Israel, the Gaza Centre for Rights and Law stated that the highest rate of detentions had been recorded in 1970, when the Israeli occupation authorities detained about 23,000 Palestinians. A high rate had also been recorded in 1980, in which 16,000 Palestinians had been detained. During the first year of the intifada, which began in the latter part of 1987, the number of Palestinians detained in Israel amounted to about 14,000. The report also noted that 115 prisoners and detainees had died in occupation prisons at the hands of the Israeli internal security agency Shabak or as a result of medical neglect.

According to a statistical report published by Solidarity International for Human Rights, the occupation authorities had detained about 850,000 Palestinians since 1967.

The occupation authorities are still holding about 1,650 Palestinian prisoners in spite of the agreements concluded between the Palestinians and the Israelis under which all prisoners and detainees were to be released.

On 19 June 2000, the Israeli Government decided to release only three of the detainees who had been convicted of carrying out attacks in which dozens of Israelis had been injured. The Israeli Government said that this was a token of its "good intentions" towards the Palestinians.

Bilal Ammar, one of those who was released, told the France Presse agency that "he was happy but, at the same time, distressed because all his other fellow detainees were still in prison".

Hisham Abdul Raziq, the Palestinian Minister responsible for the file of the detainees, said that the release of only three detainees was unacceptable. He went on to say: "What we want from Israel is the implementation of the agreements and the release of a larger number of detainees".

Seizure of water resources

Israel is seizing the Palestinian water resources contained in the aquifers of the West Bank and Gaza Strip, which are being depleted due to over-pumping to the Israeli settlements. The groundwater salinity has also increased to a dangerous level. Although the international health specifications for drinking water stipulate that its chloride content should be about 250 mg per litre, in the Gaza Strip it amounts to 1,000 mg and the nitrate content per litre, which should be about 50 mg, amounts to 200 mg.

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

Letter dated 2 October 2000 from the Permanent Observer for Palestine to the United Nations Office at Geneva addressed to the United Nations High Commissioner for Human Rights

The Israeli occupation forces have committed a new massacre against the Palestinian people, to be added to the list of their previous crimes of massacres in Deir Yassin, Sabra and Shatila, Al-Aqsa Mosque and the Ibrahimi shrine in Hebron.

On 28 September 2000, Ariel Sharon, leader of the Israeli right-wing Likud party, by mutual agreement with the Israeli Prime Minister Ehud Barak, made a manifestation, regarded as a provocation to the feelings of Muslims, to the Al-Haram Al-Sharif at the Al-Aqsa Mosque compound, protected by 3,000 Israeli policemen and border guards, thus prompting acts of violence, during which the Israeli forces used firearms, causing injuries to several civilian youths among the Palestinian people.

On Friday, 29 September 2000, the heavily armed Israeli forces stormed the Al-Aqsa Mosque compound and fired live ammunition at thousands of Palestinian worshippers, who were performing their Friday prayers, causing the death of seven Palestinian martyrs and hundreds of injured.

On Saturday, 30 September 2000, the Israeli occupation forces continued their shooting at angry Palestinian masses in the cities of Jerusalem, Bethlehem, Nablus, Gaza and Ramallah, wounding over 200 Palestinians, some of them seriously.

The Israeli army used in this massacre live ammunition, dumdum bullets and other unusual internationally banned weapons, according to the Israeli army radio in its evening newscast on 30 September 2000, when it said that the Israeli forces launched three "La-aw" category missiles, targeting Palestinian sites.

Furthermore, medical reports, emanating from several hospitals, underlined that most Palestinian victims of this Israeli massacre were hit in the upper part of the body, which shows that the real intention of the Israeli soldiers was to kill and achieve the maximum number of victims.

Consequently, the number of victims increased on 30 September 2000 to 17 martyrs and over 700 wounded, some of them in severe critical condition.

This massacre ignited once more yesterday, 1 October 2000, in various Palestinian cities and villages, during which the Israeli forces used helicopters, tanks and shooting against Palestinian civilians. These forces also launched La-aw missiles against two national security sites to the south of Gaza, and another missile against the Palestinian intelligence headquarters in Rafah, thus increasing the number of victims until yesterday to 36 martyrs and over 1,000 injured, among whom are children under the age of 10.

These crimes not only cast a genuine blow to the stumbling peace process, used by Israel to avoid fulfilling its obligations to the peace process and its commitments to international legitimacy, but are also to be registered as crimes of war, crimes against humanity, flagrant violations of human rights and flagrant violations of the right to life.

Furthermore, this massacre constitutes an act of deliberate killing, an offence to the holy sanctuaries, a grave violation of the principles and provisions of the Universal Declaration of Human Rights and other relevant international covenants and conventions, particularly the Fourth Geneva Convention of 1949, the International Covenant on Political and Civil Rights, and the Convention on the Prevention and Punishment of the Crime of Genocide.

In the light of the above, we appeal to Your Excellency, to intervene without delay with the Government of Israel and urge it to immediately put an end to this massacre, to refrain from shooting at Palestinian civilians and to withdraw its Israeli forces from the occupied Palestinian territory.

We would also be grateful if you could have the text of this letter circulated as an official document of the fifty-seventh session of the Commission on Human Rights under agenda item 8.

(Signed) Nabil Ramlawi
Ambassador
Permanent Observer

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

Letter dated 4 October 2000 from the Permanent Observer for Palestine to the United Nations Office at Geneva addressed to the United Nations High Commissioner for Human Rights

In follow-up to my letter dated 2 October 2000 concerning the massacres at the hands of the Israeli occupation authorities and their settlers against the Palestinian people, we would like to lay before Your Excellency the following:

(i) For the seventh consecutive day, the Israeli occupation forces persist in their criminal war against the Palestinian people. Thus the Israeli war machinery has resulted during last week in the death of 76 martyrs and has caused serious injury to over 1,200 Palestinians.

(ii) Among the martyrs are 33 Palestinian children between the ages of one year and a half and 16 years, including the killing of the child Sara Abdel-Azim (one year and a half of age).

(iii) The occupation forces are using, in their current criminal war against the Palestinian people, live ammunition, helicopter gunships, missiles, internationally banned cluster bombs and La'aw missiles, all of which are shot against Palestinian crowds, buildings and civilian homes.

(iv) The Israeli forces are shooting internationally banned piercing and incendiary dumdum bullets at Palestinian civilians.

(v) The Israeli forces have opened fire on ambulances bearing emblems of the Red Cross and Red Crescent and killed the driver of one of these ambulances.

(vi) The Israeli forces open fire on journalists present on the scene to cover the series of Israeli crimes in the field

(vii) The Israeli forces are strengthening their military positions in the West Bank and Gaza Strip with tanks and troop carriers on all axes.

(viii) The Israeli forces are invading militarily areas under the Palestinian authority.

The repetitive series of massacres persisting until this day affirm anew that the Government of Israel, led by Barak, is implementing a criminal plan against the Palestinian people, in total indifference to its international obligations with regard to the respect of international law and international humanitarian law.

The atrocity of these crimes has reached the level of crimes of war, crimes against humanity and crimes of genocide, since they are aimed at killing every Palestinian, be it a child, a man or a woman, for no reason except for their being Palestinians, by using all means of Israeli lethal weapons bearing the Magen David emblem.

In the light of the above, we appeal to Your Excellency to intervene without delay with the Government of Israel and urge it to immediately put an end to this tragic massacre.

We would also be grateful if you could have the text of this letter circulated as an official document of the fifty-seventh session of the Commission on Human Rights under agenda item 8.

(Signed): Nabil RAMLAWI
Ambassador
Permanent Observer

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

Letter dated 10 October 2000 from the Permanent Observer for Palestine to the United Nations Office at Geneva addressed to the United Nations High Commissioner for Human Rights

In follow up to our last two letters to Your Excellency dated 2 and 4 October 2000 concerning the continued massacres perpetrated by the Israeli occupation forces against the Palestinian people in the occupied Palestinian territory, we would like to expose before Your Excellency the latest developments of this bloody tragedy up to Sunday, 8 October 2000.

On Friday, 6 October 2000, the Israeli occupation forces continued to open fire, using their traditional and internationally banned weapons, against the Palestinian population, killing 11 martyrs and wounding 419 others in various cities and villages of occupied Palestine.

On Saturday, 7 October 2000, the Israeli occupation forces killed four martyrs and wounded dozens of others in those regions. These same authorities have also attacked 14 ambulances, 4 of which were completely destroyed, and have fired dozens of missiles at residential buildings situated at the Gaza Martyrs' Junction.

On Sunday, 8 October 2000, Israeli military occupation forces demolished three buildings to the south of Gaza. They also fired artillery and missiles at the residential district of Abu Sninch in Hebron, thus killing or wounding many Palestinian civilians. On the same day, two Palestinian martyrs were killed and more than 20 others were injured in Gaza, upon being hit by live ammunition fired at them by the Israeli occupation troops.

On the evening of Sunday to Monday, 8-9 October 2000, more than 1,000 Israeli Jews, assisted by the Israeli police force, stormed into the Palestinian city of Nazareth inside the Green Line, they opened fire at the Palestinian population there and kept beating them until late in the evening. As a result, two Palestinian martyrs were killed and 74 others were injured, bringing the total of victims inside the Green Line to 13 martyrs and more than 120 wounded since the beginning of the "Al-Aqsa Intifadah".

Through such persistence in committing crimes of deliberate killing against Palestinians in the occupied Palestinian territory, and even inside the Green Line, the Israeli Government as well as its occupation forces, persevere in their blatant violations of human rights, in total disregard of the principles of international law, the will of the international community and even the simplest human rights principles.

We reiterate our call to Your Excellency to take action and to intervene immediately in order to put an end to these massacres of human beings.

We would also be grateful if you could have the text of this letter circulated as an official document of the fifty-seventh session of the Commission on Human Rights under agenda item 8.

Signed: Nabil RAMLAWI
Ambassador
Permanent Observer

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

Letter dated 12 October 2000 from the Permanent Observer for Palestine to the United Nations Office at Geneva addressed to the United Nations High Commissioner for Human Rights

The Israeli occupation forces and Jewish settlers continue their massacres against the Palestinian people, using all forms of killing, including the use of internationally banned weapons.

Only yesterday, 11 October 2000, Israeli troops and settlers killed three Palestinians, Nazir Nayef al-Haj Ali, 23 years old, in Nablus, Maher Mohamed Motalak, 24 years old, in Salvit village and Sami Hassan Salim in Tolkurm.

Settlers also attacked the Palestinian Mohamed Fathi al-Najar, 21 years old, in Khan Younes, stabbing him with a knife 13 stabs and the Palestinian Abd-Allah Ramadan Fayad, 22 years old, stabbing him 30 stabs in Khan Younes. This is how Palestinians are killed for no reason except for their being Palestinians, which affirms the crime of genocide of the Palestinian people at the hands of Israeli occupation forces and their settlers.

Israel has forbidden entry of medical supplies to Palestine and has prevented the injured, who were heading towards neighbouring Arab brother States for cure, from crossing Alenbi bridge. Scores of these injured have run out of oxygen and medical supplies and they are still on the bridge, yet Israel is still denying them any movement.

The Israeli occupation forces have intensified their policy of closure of Palestinian cities and villages and have closed the safe passage between Gaza and West Bank municipalities to prevent the passage of individuals and goods, thus persevering in its practice of imposing collective punishments on the Palestinian people.

The Israeli occupation authorities have burnt Palestinian trucks at the Karni crossing point, they have prevented the entry of equipment necessary for Gaza port and are still forbidding planes from landing at Gaza international airport.

Moreover, the occupation forces have forbidden Palestinian banks from providing Palestine and its traders with the necessary liquidity to face up to demands by depositors concerning their deposits in Jordan.

The city of Nablus, as is the case in other Palestinian regions, is subject to a total closure; no one is allowed to bring in food or medicine. Through such measures, Israel is putting all obstacles in the way of any possibility of any political movement.

We are enclosing with this letter the names of martyrs for the period starting from 29 September to 7 October 2000, bearing in mind that the number of wounded exceeds 2,500.

We would be grateful if you could have the text of this memorandum, its enclosures* as well as our letters to Your Excellency of 2, 4 and 10 October 2000**, circulated as official documents of the special session of the Commission on Human Rights, to be held on 17 October 2000, as well as of the fifty-seventh session of the Commission on Human Rights under agenda item 8.

(Signed) Nabil RAMLAWI
Ambassador
Permanent Observer

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Annex

Names of Martyrs
September 29-October 7, 2000
12:30 GMT

Name	Age	Place of Residence	Date of Death	Notes
Ossama Mohammed Jeddah	23	Jerusalem	29/9	A dumdum bullet in chest - the Holy Sanctuary (*Al-Haram Al-Sharif*)
Mohammed Hussein Farrah		Um El-Fahem	29/9	At the Holy Sanctuary (*Al-Haram Al-Sharif*)
Yahya Hassan Faraj	34	Beit Safafa	29/9	A bullet in the neck
Bilal Ali A'fana	26	Abu Deis	29/9	A bullet in the chest
Haitham Oweida Skafi	45	Jerusalem	29/9	A bullet in the chest
Nizar Ibrahim Shobaki	18	Silwan	29/9	A bullet in the head near the ear
Mohammed Jamal El-Durreh	12	Al-Boreij	30/9	Several bullets in the neck and abdomen - Netzarim
Mohammed Mohammed El-Otaleh	25	Gaza	30/9	A bullet in the head- Netzarim (a member of the Palestinian National Security Forces)
Bassam Fayez El-Bilbaisi	48	Gaza	30/9	A bullet in the chest-an ambulance driver during carrying out his duties - Netzarim
Maher Rajab Obeid	23	Jabalia	30/9	Three bullets in the back - Netzarim
Khaled El-Bathyan	16	Nablus	30/9	A bullet in the head
Nizar Mahmoud E'ideh	16	Ramallah	30/9	A bullet in the chest - a cut in aorta
Zakrya Ersan El-Kilani	22	Nablus	30/9	A bullet in the chest
Mohammed Tawfiq El-Qalaq	23	Tulkarm	30/9	A health relief man of the Palestinian Marine Police-a bullet in the chest
Amjad Abdullah Dharaghmeh	22	Tubas	30/9	A health relief man of the Palestinian Marine Police-a bullet in the chest
Mahamoud Hani Anbara	24	Jordan	30/9	A bullet in the head
Eyad Mahmoud El-Khashashi	22	Nablus	30/9	A bullet in the heart on 30/9 inside a building (his body was discovered on the following day)
Jihad Mahmoud El-A'loul	18	Nablus	1/10	A bullet in the head on 30/9
Sami Fathi El-Taramsi	19	Al-Shati	1/10	A dumdum bullet in the abdomen - Netzarim
Mustafa Hilmi Ramadan	26	Nablus/Tel	1/10	A bullet in the chest
Hussam Na'im Nadjib	18	Nablus/ Balata	1/10	A bullet in the head
Samer Sameer Tabanjah	12	Nablus	1/10	By a heavy machine gun

				from a helicopter
Salah Ibrahim El-Faqih	25	Ramallah	1/10	A bullet in chest (a member of the Palestinian National Security Forces)
Mohammed Nabil Dawood	14	Ramallah	1/10	A bullet in the head
Emad Abdel El-Rahman Anati	17	El-Ama'ri	1/10	A bullet in the head(a member of the Palestinian National Security Forces)
Sara Abdel Azeem Hassan	1.5	Nablus	1/10	A bullet in the head shot by a settler
Mohammed Ahmed Jabarin	20	Um El-Fahem	1/10	A bullet in the chest
Ahmed Ibrahim Siam	–	Ma'awia	2/10	A bullet in the head on 1/10
Rami Hatem Gharra	22	Jet - The Triangle	2/10	---
Hatem Abdel Azziz El-Najjar	22	Khan Younis	2/10	A bullet in the head (a member of the Palestinian Liaison Forces - Jericho)
Mahmoud Ghazi El-Nabeeh	29	Gaza	2/10	A bullet in the chest
Salah Abdullah Abu Qeinas	23	Gaza	2/10	A bullet in the heart
Ibrahim Samih Barahma	27	Jordan	2/10	A bullet in the head - clashes in Jericho
Mohammed Amin Sajdi	17	Jericho	2/10	A bullet in the abdomen - clashes in Jericho
Wae'l Tayseer El-Qattawi	14	Nablus	2/10	A bullet in the head
Ahmed Sami Fayadh	21	Gaza	2/10	A bullet in the head(a member of the Palestinian National Security Forces - Ramallah
Emad Faraj Ghanayem	25	Sakhnin	2/10	
Waleed Abdel Mone'm Abu Saleh	21	Sakhnin	2/10	
Alla' Khaled Nassar	22	Arrabeh	2/10	
Asseel Hassan A'asleh	21	Arrabeh	2/10	
Eyad Sobhi Lawabneh	20	Nazareth	2/10	
Musleh Hussein Abu Jarad	19	Deir El-Balah	2/10	Two bullets in the chest-Um El-Fahem clashes
Fahmi Fuad Abu Ammouneh	28	Nusseirat	3/10	A shell in the head -Netzarim area
Khadhra Ahmed Abu Salameh	57	Jenin	3/10	Inhaling tear gas at the Holy Sanctuary (*Al-Harm Al-Sharif*) - 29/9
O'mar Mohammed Abdullah Suleiman	18	Jabalia	3/10	A bullet of a heavy machine gun in the head shot by a helicopter at Netzarim area
Ammar Khalil El-Refae'I	17	Al-Maghazi	3/10	A bullet in the head at Netzarim area
Mohammed Younis El-Zamae'reh	21	Halhoul	3/10	A bullet in the head -30/9
Ismail Shehda Shamallakh	21	Gaza	3/10	A bullet in the chest - Ramallah
Hussam Ismail El-Hamshari	16	Tulkarm	3/10	A bullet in the head on 1/10
Ahmed Ali El-Nabris	21	Nablus	3/10	A bullet in the chest
Ramez Abbas Boshnaq	–	Kufor Manda	3/10	Two bullets in the head

Sharif Faraj A'ashoor	18	Gaza	3/10	A bullet in the head - Netzarim
Mohammed Fawzi Srouji	21	Sawahra	4/10	An armed confrontation - a bullet in the chest
Mahmoud El-Emwasi	21	Beitonia	4/10	An armed confrontation - a bullet in the chest
Mohammed Yousef Abu A'asi	9	Bani Suheila	4/10	A bullet in the back
Alla' Hassan Barghouthu	24	A'boud	4/10	A bullet in the chest
Ayman Akram El-Louh	22	Gaza	4/10	A bullet in the chest
Muhannad Wadei' Fares	24	Deir El-Ghosoun	4/10	A bullet in the chest (a member of the Palestinian Special Security Forces)
Mahmoud Luth Masad	24	Borqien-Jenin	4/10	A bullet of a heavy machine gun in the head (a member of the Palestinian security forces)
Mohammed Ghaleb Khamayseh	18	Kufor Manda	4/10	A bullet in the chest on 3/10
Arafat Mahmoud El-Atrash	18	Hebron	4/10	A bullet in the chest - shot by Israeli special forces at Area "A"
Mahamoud Saleh Esbeita	26	Gaza	5/10	A bullet in the chest
Salama Saleh Ziadat	20	Jericho	5/10	A bullet in the right kidney on 2/10
Mustafa Mahmoud El-Faraja	21	Beithlehem	5/10	A bullet in the chest (a member of the Palestinian National Security Forces)
Loai Abdullah Al-Moqayad	19	Jabalya	6/10	A bullet in the head
Eyad Abdel Halim Shtaiwi	23	Salem - Nablus	6/10	A bullet in the back
Dhia' Abdel Rahman Essa	19	Salem - Nablus	6/10	A bullet in the chest
Mohammed Khaled Tammam	21	Tulkarm	6/10	A bullet in the chest
Marwan Abdel Razeq Shamallakh	23	Gaza	6/10	A bullet in the heart
Saleh Essa Al-Riati	20	Rafah	6/10	A bullet in the head on 2/10
Majdi Sameer Maslamani	15	Jerusalem	6/10	A bullet in the head
Wajed Mousa Abu Awwad	21	Bani Suheila	6/10	A bullet in the abdomen
Zuhair Rezeq Darabeih	24	Jabalya	6/10	A bullet in the head
Rashad Ismail El-Najjar	22	Al-Maghazi	6/10	A bullet in the head
Mohammed Khaled Awadh	23	Deir El-Hatab - Nablus	7/10	Bullets in both kidneys on 6/10
Hesham Ahmed Meqbel	45	Gaza	7/10	A bullet in the abdomen
Fahed Fahmi Baker	22	Bedia - Nablus	7/10	A bullet in the head by a settler
Yousef Thiab Khalaf	18	Al-Boreij	7/10	A bullet in the head on 2/10
Abedel Hmid Taye' Zeq	18	Al-Mazra' Al-Sharqia - Ramallah	8/10	A bullet in the head on 4/10
O'mar Mohammed Akkawi	42	Nazareth	8/10	A bullet in the neck
Wessam Hamdan Yazbek	26	Nazareth	8/10	A bullet in the chest
Ali Sayel Sweidan	25	Azzoun - Qalqilya	8/10	A bullet in the head by a settler - his body was found on 9/10
Essam Joudeh Hamad	36	Um Safa - Ramallah	8/10	He was killed and mutilated with sharp tools near Halmish settlement

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Fifty-seventh session
Item 8 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

Note by the Secretariat

With regard to the fifth special session of the Commission on Human Rights held in Geneva from 17 to 19 October 2000 (see E/2000/112-E/CN.4/S-5/5 and Add.1), the Secretariat wishes to inform members of the Commission and observer delegations that letters from the Permanent Observer for Palestine to the United Nations Office at Geneva addressed to the United Nations High Commissioner for Human Rights dated 2, 4, 10 and 12 October 2000, which the Permanent Observer had requested be circulated as documents of the fifth special session and the fifty-seventh regular session of the Commission on Human Rights but which were not issued in time for the fifth special session, are being issued in documents E/CN.4/2001/109, E/CN.4/2001/110, E/CN.4/2001/111 and E/CN.4/2001/112, respectively.

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REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS AND FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

Report of the High Commissioner on her visit to the occupied Palestinian territories, Israel, Egypt and Jordan (8-16 November 2000)

GE.00-15946 (E)

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I. INTRODUCTION

1. The General Assembly and the Commission on Human Rights have been seized of the situation of human rights in the occupied Palestinian territories for many years. Since late September, however, there has been a dramatic deterioration of the human rights situation in the occupied territories.

2. By a letter dated 3 October 2000, addressed to the United Nations High Commissioner for Human Rights, the Permanent Representative of Algeria to the United Nations Office at Geneva, on behalf of the Council of Arab Permanent Representatives of Members of the League of Arab States, requested that a special session of the Commission be convened "to discuss the grave and massive violations of the human rights of the Palestinian people by the Israeli occupying power".

3. In the light of the agreement of a majority of its members, the Commission on Human Rights convened in its fifth special session from 17 October to 19 October 2000.

4. On 19 October 2000, the Commission on Human Rights at its fifth special session, adopted resolution S-5/1 (E/2000/112-E/CN.4/S-5/5, chap. II), in which it decided inter alia to request the United Nations High Commissioner for Human Rights to undertake an urgent visit to the occupied Palestinian territories to take stock of the violations of the human rights of the Palestinian people by the Israeli occupying Power, to facilitate the activities of the mechanisms of the Commission in implementation of the resolution, to keep it informed of developments and to report to the Commission at its fifty-seventh session and, on an interim basis, to the General Assembly at its fifty-fifth session. On 22 November 2000, the Economic and Social Council, in its decision 2000/311, endorsed the resolution adopted by the Commission at its fifth special session.

5. The mandate of the High Commissioner for Human Rights requires her to promote and protect the effective enjoyment by all of all civil, cultural, economic, political and social rights; to enhance international cooperation for the promotion and protection of all human rights; to engage in a dialogue with all Governments with a view to securing respect for all human rights; and to carry out the tasks assigned to her by the competent bodies of the United Nations system in the field of human rights. The High Commissioner is also mandated to report on her activities to the Commission on Human Rights, the Economic and Social Council and to the General Assembly.

6. Mindful of these aspects of her mandate, the High Commissioner for Human Rights undertook a visit to the Middle East from 8 to 16 November 2000. During her mission, she visited the occupied Palestinian territories, Israel, Egypt and Jordan. This report to the Commission on Human Rights summarizes the outcome of her mission.

7. The High Commissioner's visit to the occupied Palestinian territories took place at the urgent request of the Commission on Human Rights and because of the seriousness of the human rights situation there at the present time.

8. With regard to her visit to Israel, the High Commissioner, in cooperation with the Israeli authorities, undertook a visit that had been scheduled at an earlier stage but that had been postponed. The visit to Israel focused on general cooperation on human rights issues as well as on the situation in the occupied Palestinian territories. During her visit to Israel, the Israeli authorities expressly accepted, in a meeting between the High Commissioner and senior Foreign Ministry officials on 15 November 2000, that the High Commissioner's report on her visit to the region would also deal with the visit to Israel.

9. The visits to Egypt and Jordan were undertaken primarily in view of the situation in the occupied Palestinian territories. From that perspective, the discussions with leaders in those countries are reflected in this report.

10. In submitting this report, the High Commissioner for Human Rights is conscious of the evolving situation in the area, attentive to the efforts of the Secretary-General of the United Nations and others to promote peace, and to the importance of the quest for peace with justice and respect for human rights, and mindful of the duty of conscience regarding the situation of human rights prevailing in the occupied Palestinian territories. It is in this spirit of conscience that this report is submitted.

II. OUTLINE OF THE HIGH COMMISSIONER'S VISIT TO THE REGION

11. The programme of the High Commissioner's visit to the region, including lists of those with whom she met, is annexed to the present report. The following is a brief summary.

12. In Gaza, the High Commissioner met with the President of the Palestinian Authority and Chairman of the Executive Committee of the Palestine Liberation Army (PLO), Mr. Yasser Arafat, senior representatives of the Palestinian Authority (PA), representatives of the NGO community, the Chairman of the Palestinian Independent Commission for Citizen's Rights and with representatives of United Nations programmes, funds and agencies, including the Commissioner General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and the United Nations Special Coordinator. The High Commissioner visited the largest hospital in Gaza, Shifa Hospital, and met with 45 patients, including children, injured over recent weeks, as well as medical staff and family members. She travelled to the Rafah refugee camp near the Egyptian border, visited sites affected by the recent violence, including several UNWRA schools; visited a health care centre, and viewed settlements and military installations.

13. In East Jerusalem, the High Commissioner met with representatives of the Muslim and Christian communities as well as of NGOs, Palestinian officials and a delegation of expatriate volunteers. She visited Hebron, Ramallah and El-Bireh, where she met with the Speaker and other members of the Palestinian Legislative Council as well as with Ministers of the PA. In Ramallah, the High Commissioner visited a refugee camp, including a school, and, in El-Bireh, met with representatives of NGOs, and a delegation of schoolchildren.

14. In Israel, the High Commissioner discussed the recent human rights developments in Israel and the occupied Palestinian territories with the President of Israel, Mr. Moshe Katzav, the President of the Supreme Court, Chief Justice Aharon Barak, the Minister of Justice,

Dr. Yossi Beilin, the Director General of the Ministry of Foreign Affairs, Dr. Alon Leal and other senior officials, senior officials of the Ministry of Defence, representatives of the Israeli Defense Forces (IDF), the Israeli member of the United Nations Human Rights Committee, representatives of NGOs, academics and Israeli settlers from Gilo, and international and local staff of United Nations agencies.

15. In Cairo, the High Commissioner met with the Minister for Foreign Affairs of Egypt, Mr. Amr Musa, with senior officials of the Ministry of Foreign Affairs and with representatives of NGOs. She also met with the Secretary General of the League of Arab States, Dr. Ismat Abdel-Maguid.

16. In Amman, the High Commissioner was received by His Royal Majesty King Abdullah II of Jordan and met with the Deputy Prime Minister, Mr. Ahmed Khleifat, and the Secretary General of the Ministry of Foreign Affairs, Mr. Shaher Bak.

17. In all, the High Commissioner heard the views of several hundred people, many of whom spoke from personal experience of the present human rights situation. The High Commissioner also received several dozen written submissions and briefs, which have been considered in the preparation of this report. The High Commissioner wishes to record her appreciation and thanks to all those with whom she met and to the Governments, authorities and United Nations representatives which received her and facilitated her mission.

18. It was a difficult mission, addressing a highly politicized and complex situation with serious human rights implications. At each meeting in both the occupied Palestinian territories and Israel the High Commissioner emphasized the integrity of her mandate, the objectivity of her approach, and that her focus would be on the human rights implications of what she saw and heard and of what was represented to her by the various parties she met.

III. GENERAL OBSERVATIONS

19. The human rights situation in the occupied Palestinian territories is bleak. The civilian population feels besieged by a stronger power prepared to use its superior force against demonstrations and stonethrowing by adolescents. During the course of the visit the violence escalated, with more shooting - including so-called drive-by shootings - on the Palestinian side and the use of rockets and heavy machine-gun fire on the Israeli side. At each meeting in the occupied Palestinian territories pleas for international protection or for some form of international monitoring presence were voiced.

20. In the occupied Palestinian territories, discussions concerning the present crisis and its impact on human rights were linked to the reality of the occupation itself. That reality was described by Palestinians as one of grinding, petty humiliations, discrimination and inequalities which were ultimately dehumanizing. It was explained that the anger and frustration of the present Intifada stemmed from lack of implementation of the key United Nations resolutions, especially General Assembly resolutions 181 (II) and 194 (III) and Security Council resolution 242 (1967), the continuing encroachment on land for settlements, and what was perceived as a peace process which had not addressed the Palestinian claims of a State with East Jerusalem as its capital and some recognition of the right of return of refugees.

21. Perhaps the strongest and most troubling impression taken away by the High Commissioner from her visit to Israel and the occupied Palestinian territories was that of two peoples who are linked by history and geography, but are currently separated by a wide and growing gap in their perceptions of each other. The violence of recent months has resulted in a hardening of positions, with little willingness on either side to understand or accept the narrative of the other.

22. Amongst Israelis there is a preoccupation with security, born of a strong sense of isolation and of being set upon from all sides. This can easily be understood in terms of Israeli and Jewish history. However, it is not appreciated or allowed for by a Palestinian people who see only Israel's overwhelming military superiority and experience its readiness to use it. Israelis with whom the High Commissioner met, including many who deeply believe in the peace process, said they felt shell-shocked by the recent breakdown of negotiations at a time when, to them, a comprehensive settlement had seemed so close. Amongst Palestinians, on the other hand, the predominant sentiment was that the process of the past seven years had delivered little or nothing to them. Whilst Israelis point to the building of economic links as a positive sign, Palestinians see the same process as increasing the dependence of the occupied territories and their vulnerability to exploitation by Israel during periods of crisis.

23. The High Commissioner was offered different views about the origins of the present cycle of violence, including on the significance of the visit of Mr. Ariel Sharon to the Temple Mount/Haram Al-Sharif, and on whether the current intifada is a spontaneous popular uprising or an orchestrated strategy. The High Commissioner referred repeatedly to her mandate, which addresses the underlying human rights causes of the conflict. Such an approach acknowledges the long-standing and unresolved grievances of the Palestinian people, many of whom are now third-generation refugees. It must also be understood, as it is by many Israelis, that Palestinians, including Arabs who have Israeli citizenship, have suffered and continue to suffer from serious discrimination. An inescapable conclusion is that much of the present situation has to do with the daily reality of life under the occupation, including what Palestinians see as the numerous daily humiliations imposed upon them, often deliberately, but sometimes through bureaucratic indifference towards people who lack political power. However, in discussing root causes, it must also be acknowledged that over an extended period the right of Israelis to "security of person" (Universal Declaration of Human Rights, article 3) has been threatened. This persistent insecurity has given rise to many of the problems which now lie at the heart of the human rights situation in the occupied Palestinian territories and Israel.

24. A related problem is that of hate speech and incitement. Numerous examples were cited to the High Commissioner during her visit and evidence was clearly visible on the walls of Palestinian houses and Israeli settlements. The High Commissioner was struck, for example, by the deep hurt caused by the accusation that Palestinian parents were forcing their children into the line of fire to achieve martyrdom. Similarly, she was shocked by calls broadcast on Palestinian television and radio urging the killing of all Jews. At this very difficult time it is incumbent upon leaders on both sides to avoid inciting racial and religious animosities and to condemn such incitement when it does occur within their communities. The High Commissioner believes that the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance will provide an opportunity for reflection and reconciliation, which political leaders and members of civil society alike should begin to prepare for.

IV. HUMAN RIGHTS SITUATION IN THE OCCUPIED PALESTINIAN TERRITORIES

25. While in the occupied Palestinian territories, the High Commissioner received information from numerous sources alleging serious violations of human rights, both in relation to recent events and more long-term systematic abuses originating from the occupation itself. Also alleged was a failure on the part of Israel to adhere to international humanitarian law, in particular the 1949 Fourth Geneva Convention relative to the protection of civilians in time of war, whose applicability to the occupied territories has been repeatedly reaffirmed by United Nations bodies, including the Security Council, the General Assembly and the Commission on Human Rights. Particular areas of concern with regard to recent developments included: excessive and disproportionate use of force, including alleged attacks on medical personnel; the arbitrary destruction of property; the effects on Palestinian residents of Israeli settlement activity, including restrictions on freedom of movement; the serious economic impact on the residents of the occupied territories; the violations of the human rights of children; and restrictions on access to humanitarian assistance.

Excessive use of force

26. The most persistent allegation brought to the attention of the High Commissioner was that Israeli security forces have engaged in excessive force, disproportionate to the threat faced by their soldiers. A wide range of observers, including United Nations representatives, expressed the strong view that the very high number of casualties, combined with the nature of the injuries being sustained, including by young people, could only be consistent with a military response which was both excessive and inappropriate. With only minor regional variations, this pattern was, said the observers, repeated in different locations throughout the affected areas.

27. The High Commissioner had requested a meeting with the Israeli Defense Forces (IDF). The meeting was facilitated by Israel and took place at Ben Gurien Airport on 13 November prior to her flight to Cairo. It is described in some detail in paragraphs 66 to 71 below but, as it offered an opportunity to hear the Israeli perspective on the allegations of excessive use of force, the relevant comments or a reference to the relevant paragraphs are inserted in the present section of the report.

28. In an attempt to disperse the demonstrations, the Israeli military authorities have used live ammunition, rubber coated steel bullets and tear gas, all of which have resulted in deaths and injuries amongst the Palestinians. Heavier weapons have also been used, including rockets fired by infantry and from helicopters, armoured vehicles which have been deployed throughout the Gaza Strip and the West Bank, and heavy machine guns. The use of heavy weapons has raised the incidence of death and injury amongst non-combatants and, indeed, several such deaths occurred during the period of the High Commissioner's visit.

29. A high percentage of the injuries sustained by Palestinians have been to the upper part of their body, including a large number of eye injuries, some caused by the firing of "rubber" bullets at close range. The result is often the loss of an eye, but can also be severe brain damage or death. In subsequent discussions senior IDF representatives accepted the potential lethalness of "rubber" bullets, and also that of tear gas, if used in a confined area, as has been alleged.

30. When asked about the reported injuries, senior IDF officers told the High Commissioner (see paras. 69-70 below) that the methods and weapons employed by the IDF in dealing with the present crisis are carefully calibrated according to the nature of the threat being faced and, in particular, that live fire, whether from small arms or heavier weapons, has only been directed at those who have used firearms or petrol bombs in attacks against Israeli forces.

31. While in the Gaza Strip, the High Commissioner visited Shifa Hospital, the largest hospital in Gaza with 650 beds and 8 operating theatres. The High Commissioner met with 45 patients, including boys and girls under 18 and their relatives. A 15-year-old, now a paraplegic, informed the High Commissioner that he was shot by Israeli soldiers while he was demonstrating and throwing stones in the industrial zone close to Erez checkpoint. He had joined other teenagers after school to express his anger following the death of one of his schoolmates the previous day. A 14-year-old wounded in the arm and leg explained that he had gone to throw stones in revenge after a classmate had been shot and blinded in both eyes, and the doctor accompanying the High Commissioner confirmed he had treated this other boy. The High Commissioner heard numerous anecdotal accounts of shootings involving Palestinians who, it was said, could not have been involved in any form of protest activity, for example, an elderly man who was shot twice near the door of his house and a pregnant woman who was shot whilst on the roof of her house. See paragraphs 69 and 70 below for the IDF response on rules of engagement and child casualties.

32. The Minister of Health of the Palestian Authority, Dr. Riadh Al-Zaanoun, told the High Commissioner that by his estimates some 6,958 persons (3,366 in the West Bank and 3,592 in the Gaza Strip) had been wounded during the period 29 September-9 November 2000 and that 1,016 Palestinians had been injured in Israel. Of those injured, he said, 40 per cent were under the age of 18. According to the Minister, the types of ammunition responsible for injuries were as follows: rubber bullets (41 per cent); live bullets (27 per cent); tear gas (27 per cent); and others, including rockets (11 per cent).

33. The Palestinian Red Crescent Society estimates that 236 Palestinians were killed and 9,353 injured during the period 29 September-23 November. During the period 27 September-23 November, Israeli official sources estimate that 30 Israelis were killed and 375 were injured. Estimates are disputed by the parties.

Impact on children

34. According to the Red Cross/Red Crescent, as of 20 November, 86 children (aged 18 and under) had been killed and over 3,000 injured, two to three hundred of whom, it is estimated, will have permanent disabilities. According to the same source, hundreds of Palestinian children have been obliged to abandon their homes in order to escape the violence. The destruction of family dwellings has left more than a thousand children without homes, often in situations of food shortage and without access to medical care.

35. The current situation in the West Bank and Gaza Strip has had a serious impact on the Palestinian education system. The High Commissioner visited two schools in the Gaza Strip and one school in Ramallah where she was briefed by teachers on the consequences of the current situation for Palestinian pupils. She was told that since the beginning of October more

than 40 schools have been closed or are unable to operate owing to curfews or closures. Other schools, such as one visited by the High Commissioner in the Gaza Strip, have been damaged by gunfire and the premises abandoned, requiring that several thousand children be fitted into other schools if possible.

36. In discussions with directors of preparatory schools and educators, as well as delegations of children in Gaza and Ramallah, the High Commissioner was told that many children suffer from psychological and social problems as a direct consequence of the current situation. Children themselves explained to the High Commissioner their fear of leaving their homes or, in some cases, of going back to their homes, and of difficulties sleeping. According to UNICEF, only about 1 per cent of adolescents in Gaza have actually engaged in demonstrations or attacks against Israeli military positions. However, teachers have reported that the rest of the students who have remained at their studies have nevertheless been mentally distracted or emotionally affected by the events in the street, with the result that their educational performance has deteriorated.

Medical personnel

37. An aspect of particular concern is the allegation that the medical condition of many of the victims has suffered, with some deaths, as a consequence of their being denied access to timely medical assistance. Reportedly, Palestinian ambulances and medical personnel have been prevented from discharging their normal responsibilities. During the High Commissioner's visit to Gaza, her vehicle was unable to proceed along the main north-south road because of an exchange of gunfire on the road ahead which had left two Israeli soldiers at a checkpoint seriously wounded and two Palestinians dead in their vehicle. The High Commissioner witnessed the fact that two ambulances were not permitted to attend to the Palestinian casualties.

38. Very serious allegations were made of attacks by Israeli security forces on medical personnel and ambulances. The High Commissioner was informed about the case of a Palestinian Red Crescent Society ambulance driver, Bassam Al-Balbisi, who had been killed while trying to approach 12-year-old Mohammad Al-Dura and his father in order to move them into an ambulance. According to Palestinian officials, 45 ambulances had been attacked by Israeli forces in Jerusalem and the West Bank and 23 in the Gaza Strip. The High Commissioner was told that nine ambulances had been put out of service owing to damage between 29 September and 9 November.

Destruction of property

39. In the Gaza Strip, the High Commissioner visited Rafah refugee camp and surrounding areas where she was able to inspect a number of private houses and apartments that had been heavily damaged by gunfire and/or rocket attack, particularly at night. The owner of one house in Rafah told the High Commissioner that she had been obliged to leave her house, within a few minutes, when she realized that an Israeli tank had already started to destroy part of the house. A farm owner told the High Commissioner that Israeli soldiers had destroyed his greenhouses and his family residence during the night of 29 October. Water wells have reportedly also been destroyed in actions carried out by settlers or Israeli forces. The High Commissioner saw that a

number of fields of fruit-bearing trees, particularly olive trees, had been cleared in the occupied regions. The High Commissioner was told that, in many cases, these orchards and fields represented the entire livelihood of dozens of families.

40. According to the IDF (see sect. V below), the clearances and demolitions were carried out as matter of military necessity because these structures or plantations had been used as cover by Palestinian gunmen. The IDF told the High Commissioner that the doctrine of military necessity meant that compensation was not payable in these circumstances. Israeli officials told the High Commissioner that military action carried out in the Palestinian areas often took place at night, because this was the time when Palestinian gunfire most often occurred.

Settlements

41. At the best of times relations between Israeli settlers and Palestinians are extremely sensitive and tense. At times of crisis the settlements can become a catalyst for violence. Amongst the main concerns raised by the Palestinian interlocutors were the privileged position settlements enjoy with respect to land and water for domestic and agricultural use, the negative impact on surrounding Palestinian communities, the fact that settlers are heavily armed and live in barrier-enclosed areas protected by the IDF and that separate roads have been created for settlers alone which are prohibited to Palestinians. The concerns raised with the High Commissioner by three Israeli families living in Gilo whom she met at Ben Gurion Airport on 15 November are set out at paragraph 71 below.

42. In Gaza, Israeli installations to protect settlements there are located on the main road through Gaza and have become the focus for stone throwing and shooting by Palestinians, with severe retaliation by the Israeli military. It was strongly represented to the High Commissioner that if these military installations and heavy armoury were to move off the highway and closer to the settlements being protected this could ease tension. The IDF analysis was that the protection role could only be discharged from the present positions (see paras. 69-70 below).

43. Following her visit to the refugee camp at Rafah the High Commissioner was driven along a settlement road and was surprised to be shown further expansions of settlements taking place.

44. The High Commissioner visited the city of Hebron, one of the biggest administrative units in the occupied Palestinian territories in terms of area and population, and went into the Israeli controlled part of Hebron known as H2 in the company of officials of the Temporary International Presence in Hebron (TIPH). Since the first week of October, the IDF has imposed a curfew on 30,000 Palestinians living in the H2 zone, which has had an enormous impact on the enjoyment by Palestinian residents of their basic human rights. As a result of the curfew, thousands of families and their children live under virtual house arrest, confined to their homes for all but a few hours per week. During the hours when the curfew is not imposed the use of motor vehicles by Palestinian residents is forbidden, requiring residents to walk considerable distances to purchase food supplies, as shops in the Hebron H2 zone are also affected by the curfew.

45. Workers from the Hebron H2 zone have been prevented from reaching their places of work, whether in Israel or in the occupied territories. Restrictions on freedom of movement make it increasingly difficult for the Palestinians in the H2 zone to meet their most basic needs, such as food supplies and medical care, and Palestinian children cannot attend school. In this regard, the High Commissioner was informed that 32 schools had been closed since the beginning of the events, preventing some 15,000 pupils from exercising their right to education.

46. The curfew does not apply to the 300 to 400 Israeli settlers living in the H2 zone of the city and the settler school remains open. To ensure the safety of those settlers, the IDF maintains a large presence in that part of Hebron (700 soldiers according to the IDF; 2,000 according to another source). Three schools and several Palestinian houses in the H2 zone have been taken over by the IDF and turned into military posts.

47. At a meeting with the Mayor of Hebron, the Minister for Transport and other officials in the H1 zone of Hebron (under the Palestinian Authority), the High Commissioner was told that, since October, 20 Palestinians had been killed in Hebron, of whom 5 were under 18 years of age, and that many houses, stores and facilities had been damaged, without compensation. Allegations were made that settlers were involved in violence against and harassment of Palestinian residents, with the tacit consent of the IDF.

48 IDF representatives told the High Commissioner that their presence was necessary to secure the safety of the settler community, which had been subjected to regular fire from Palestinian gunmen.

Freedom of movement

49. An effective closure of the occupied territories has been applied since the beginning of October and the movement of the population there continues to be heavily restricted. The High Commissioner's own travel between Israel and the occupied territories, and within the occupied territories, afforded an opportunity to assess the immediate impact of these restrictions. It was noted that, while road closures impact heavily on Palestinians, there exists a parallel road network, established by the Government of Israel, known as the by-pass roads, exclusively for the use of Israeli settlers and the authorities, enabling them to travel freely.

50. In discussions with senior IDF representatives, the High Commissioner called for a lifting or easing of the closures. The response from the senior officer responsible for IDF operations in the occupied territories was that the closures were a necessary security measure. An explicit linkage was drawn between the closures and the release in October, by the Palestinian Authority, of some 80 prisoners who had been held in Palestinian custody and who are considered by the Israeli authorities to pose a major security threat to Israel. The High Commissioner was told that if the Palestinian Authority were to re-incarcerate these 80 prisoners then the closures would be lifted the same day.

Freedom of religion

51. The High Commissioner met Muslim and Christian leaders representing the Palestinian and Armenian communities in East Jerusalem. They told the High Commissioner that the Israeli authorities continued to deny Palestinians full access to holy sites, including the Al-Aqsa Mosque and the Church of the Holy Sepulchre.

52. Since the beginning of October, access to the Al-Aqsa Mosque has been denied to Muslims, even religious leaders, under the age of 45 years. As a result, only one tenth of the usual number of worshippers currently have access to Al-Aqsa. Representatives of both communities expressed the wish to have full responsibility for their own holy places, which is currently denied by the Israeli authorities. They complained also of disrespectful behaviour by Israeli troops stationed at the holy sites. In discussing the need for religious tolerance, they explained to the High Commissioner their shared vision of Jerusalem as encompassing "one city, two peoples and three religions" and stressed the universal character of the city and the necessity to maintain its spiritual soul.

53. The High Commissioner relayed these views to the Israeli authorities in her subsequent discussions with them. In particular, she expressed her concern that restrictions on access to the holy sites could result in increased tension during the coming month of Ramadhan. The Israeli authorities told the High Commissioner that the restrictions were necessary to prevent armed extremists from occupying the holy sites, which would necessitate an Israeli military response. They argued that the degree of control over holy sites currently given to Palestinians was greater than that which had been accorded to Jewish communities prior to the creation of the State of Israel. In some cases where Palestinians had been entrusted with the protection of holy sites, such as Joseph's Tomb, these sites had subsequently been desecrated.

Economic impact

54. The United Nations development and humanitarian agencies operating in Jerusalem and Gaza provided comprehensive briefings to the High Commissioner on the impact that the current situation, particularly the closures, is having on the enjoyment by Palestinians of their economic rights and their right to development. They explained that the seriousness of the economic situation required that they put development programmes on hold and concentrate on emergency response and relief.

55. Approximately 128,000 Palestinian workers, normally employed in Israel, are currently barred from travelling to their workplaces. The movement of Palestinians within the occupied territories is severely restricted under the strict internal closure imposed, for instance, on the various parts of the West Bank.

56. According to the Israeli Ministry of Defence figures, the restrictions affect 20 per cent of the Palestinian workforce and some 35 per cent of total salary income. According to the Office of the United Nations Special Coordinator, unemployment had tripled since the beginning of October, which translates into a loss of household income of some 10 to 11 million dollars

per day. While most reports indicated that there were adequate supplies of food within the occupied territories, the means with which to purchase food, medicines and other basic necessities are rapidly becoming exhausted as affected families use the last of their savings.

57. United Nations studies also report a 50 per cent reduction in normal economic activity within the territories themselves. Restrictions on the movement of Palestinians within the West Bank have had economic consequences. Another serious factor has been the restriction on the import of raw materials, particularly cement. The ban on the movement of cement has effectively brought construction, normally the single largest industry in the occupied territories, to a standstill.

58. According to a Ministry of Defence briefing provided to the High Commissioner, loss of confidence among Israelis has also had a major effect on economic conditions in the occupied territories. In 1999, some 100,000 Israelis travelled to the territories for commercial reasons, generating income of $500 million. Cooperative projects in industrial zones along the "green line" between Israel and the territories had resulted in the completion of 25 factories but since the start of the intifada, three of these factories have been burned and an industrial estate attacked, with the result that investor confidence has plummeted. The Ministry representatives also stated that the effects of the closures have been exacerbated in some cases by the reluctance of Palestinian Authority officials to cooperate with Israeli security processes at border checkpoints.

59. According to an International Monetary Fund (IMF) briefing provided to the High Commissioner, a factor which has aggravated the economic impact of the closures and other restrictions has been the failure of the Israeli authorities to make available to the Palestinian Authority in a timely manner certain tax revenues owed to it under existing agreements, which has affected the capacity of the Palestinian Authority to pay salaries to its employees.

60. Although the adverse economic consequences of the current situation are being felt most acutely in the occupied Palestinian territories, they have also had a negative impact on the Israeli economy.

Humanitarian access

61. Access is a major preoccupation for all humanitarian organizations operating in the occupied territories. Of particular concern are the restrictions imposed on the movement of United Nations local Palestinian staff, who make up the vast majority of United Nations employees in the occupied territories.

62. The High Commissioner was informed that because of the closures, emergency evacuation of seriously injured civilians for treatment abroad is difficult. Restrictions on access also affect the import of donations of humanitarian goods and equipment from abroad. Imports into Gaza involve unloading of the cargo of every truck originating from Israel at the Gaza/West Bank entry checkpoints and reloading onto other trucks for onward delivery. United Nations agencies have reported difficulties in obtaining clearance for emergency health kits.

63. The Ministry of Defence indicated that it was doing everything possible to facilitate humanitarian access to the occupied territories. During October alone, the Ministry representatives said, requests from some 80 countries had been processed in relation to medical supplies, blankets and sophisticated hospital equipment. A special coordination centre had been set up in order to bypass the usual bureaucratic channels and close liaison had been established with the Palestinian Authority.

64. The High Commissioner, in her subsequent discussions with senior IDF representatives, raised the specific issue of UNRWA medical supplies that had been blocked in Jerusalem. The IDF representatives indicated that this type of cargo should not be the subject of any restriction and they undertook to facilitate its delivery.

V. VISIT TO ISRAEL

65. The High Commissioner's visit to Israel allowed her to address general human rights issues and hear the views of a wide range of Israeli citizens and organizations, both Jewish and Arab. However, given the current situation, most discussions focused on the human rights situation in the occupied territories. The following paragraphs reflect the Israeli perspective on the situation.

Excessive use of force

66. On 13 November, following her visits to Gaza, Hebron and Ramallah, the High Commissioner discussed, with the Israeli authorities, the use of force by the IDF and other security forces. The High Commissioner expresses her appreciation for the very frank and informative meeting with the senior IDF officers responsible for security, intelligence, legal issues, weapons development and public affairs, which the government facilitated.

67. The IDF officers outlined their view of the genesis of the present situation - a view which was shared by other Israeli government officials. In brief, the view was put that the current intifada had been launched as a deliberate strategy of the Palestinian leadership. On offer at Camp David had been a Palestinian State, with reference made to both a right of return and a negotiated division of Jerusalem. According to the IDF, the Palestinian leadership, unwilling to make the difficult political compromises required, had ignited what it hoped would be a "CNN war" in which Palestinian losses would rally the support of the Muslim world and sway public opinion in the West. The aim was to increase international pressure on Israel to make further concessions. The ultimate goal was a Kosovo-style intervention force to protect "Palestinian territory", rather than "Palestinian people", thereby achieving a resolution without having to go to the negotiating table.

68. In terms of the pattern of the violence, the IDF officers described as typical a situation which commenced with stone throwing but which quickly escalated into armed attacks. Whereas the previous intifada had almost exclusively featured stone throwers, who were dealt with using riot control techniques, the Palestinians were now armed and many incidents featured a lethal mix of stone throwers and shooters. It was stated that out of 5,085 attacks on Israeli settlements, some 1,400 had involved live fire, including machine gun fire or the use of firebombs.

69. The IDF officers said that, according to their rules of engagement, attackers who use live ammunition could be shot by soldiers and sharpshooters deployed for that purpose. Nevertheless, they said, the IDF was only using 2 per cent of its military force. The High Commissioner was told that most of those killed over recent weeks had been armed attackers, shot after opening fire on Israeli positions. Some, however, had been killed in the crossfire, by one side or the other. Asked about the number of child casualties, the IDF officers responded that they were unable to indicate ages and numbers as the IDF generally had no access to the dead and wounded on the Palestinian side. However, they felt that the numbers reported were exaggerated and told the High Commissioner that the Tanzeem militia recruited and armed children.

70. Asked why the IDF reportedly often resorts to the use of live ammunition instead of non-lethal weapons, the IDF officers indicated that the military tactics being employed against them influenced the types of weapons the IDF could employ. They explained to the High Commissioner that Israel was concerned to reduce the number of casualties. So-called less-than-lethal weapons (which can still kill at short ranges or high concentrations) such as plastic coated bullets, tear gas and water cannons are only effective at a range of 50-100 metres. But at this range troops are vulnerable to live fire. The IDF have over the last few months field-tested dozens of weapons but have concluded that less-than-lethal weapons effective to a range of 200 metres do not currently exist. As a consequence, new weapons systems are being developed which, the IDF hope, will soon be deployed to control crowds effectively at longer ranges with little or no risk of serious injury.

71. Before leaving Israel on 15 November, the High Commissioner met at Ben Gurion Airport with three families from Gilo, a Jewish settlement on the outskirts of Jerusalem, who described nightly gunfire directed at their homes from a neighbouring Palestinian area. They also expressed concern that this resulted in heavy retaliation by the Israeli side, causing an intolerable situation for all civilians. They had had good relations with their Arab neighbours and were appalled at how the situation had deteriorated. Their families had lived in Gilo for upwards of 20 years and they did not see themselves as settlers. They urged the need to stop the violence and return to political dialogue.

Investigations; compensation for damage

72. Matters which the High Commissioner pursued with IDF representatives were the issue of how the use of lethal force was investigated by the IDF, what punishments were available for improper or excessive use of such force, and how many investigations had been conducted to date and with what result.

73. She was told that, unlike the situation during the previous intifada, when the Israeli army was in full control of the occupied Palestinian territories, there was currently no policy of routine investigation into the use of lethal force. Investigations could, however, be carried out internally if there was a particular reason to suspect that improper conduct had taken place. It was explained that that decision had arisen from the IDF evaluating that the current situation could be described as a state of "active warfare". In that situation the rules of war applied and soldiers were not required to account for each shot fired. In any case, the IDF representatives said, the number of shots being fired made such a policy impractical. Reference was also made to the

practical difficulties of investigating incidents in areas under Palestinian Authority control. Another consequence of the IDF decision about the state of "active warfare" was that compensation would no longer be made for the military use of private property, as it had been in the past. Asked about the destruction of houses and orchards in the occupied Palestinian territories, the IDF representatives advised the High Commissioner that there was no question of compensation as, under the rules of war, those areas had been cleared as a matter of military necessity because they had been used as cover by Palestinian gunmen.

74. The IDF representatives added that the new assessment of their current legal situation would normally also affect their own rules of engagement. In the present case, however, a decision had been taken to maintain the same rules of engagement as applied in previous intifada, in order not to increase the number of casualties. The IDF representatives made the point that double standards were being applied in relation to the Palestinian side which was not under international scrutiny about its rules of engagement or its policy on investigating shootings and violations of human rights. The IDF representatives referred to the lynching of two Israeli soldiers in Ramallah.

Situation of Arab Israelis

75. The situation of Arab Israeli citizens was raised at a meeting between representatives of Israeli NGOs and the High Commissioner as a specific human rights problem, albeit one which could not be entirely separated from the general situation in the occupied territories. Representatives of a number of Israeli NGOs indicated that Israeli Arabs, who represent 20 per cent of the State's population, had faced decades of neglect and discrimination on the part of the Israeli authorities.

76. Representatives of the Ministry of Foreign Affairs told the High Commissioner that the Government of Israel was taking measures to promote the integration of Israeli Arabs into Israeli society and to guarantee their rights as full citizens. Most Israeli interlocutors, including officials, acknowledged, however, that Israeli Arabs had suffered disadvantage and discrimination and that there was still some way to go in achieving full equality for that community. The President of the Supreme Court, Chief Justice Aharon Barak, briefed the High Commissioner on judicial action taken by the Supreme Court with respect to issues of equality, including decisions grantingArabs the right to purchase land in Israel. He also outlined the liberal approach adopted by his court concerning issues such as standing and jurisdiction in civil cases, which enabled NGOs to bring suits on behalf of aggrieved persons.

77. Most of the Arab Israelis whom the High Commissioner met described their situation as one of exclusion, prejudice, official hostility and routine humiliation. Since 28 September, however, the threat of violence which has engulfed many of their communities has become the primary concern of Arab Israelis. There was a sense of frustration that their problems were perhaps less well recognized than those of Palestinians living in the occupied territories.

78. Arab Israeli NGO representatives told the High Commissioner that, following the street demonstrations that took place in Arab cities and villages in Israel at the end of September and beginning of October, the security forces had responded with brutality and excessive force, using live ammunition, tear gas and plastic coated bullets, in contrast to the more moderate tactics

employed against Jewish protesters. This had led to the deaths of 13 Arab Israeli citizens. Many more had been injured and more than 1,000 arrested. A particular concern was the manner in which detention policy was being implemented. Many arrests, including of minors, were being carried out during night-time raids on homes. Once arrested, Arab detainees, including minors, were, according to these sources, far more likely to be held in custody without bail until the conclusion of their trials. It was asserted that this pattern was the result of a deliberate policy of discrimination against Arab Israelis on the part of the Attorney General's Office and the State Prosecutor's Office. It was further asserted that this policy extended to appealing every decision to release Palestinian detainees, which did not apply where Jewish detainees were concerned. Concern was expressed that the courts had largely acquiesced to these policies, with the result that large numbers of young Arab Israelis remained in detention. This issue was raised by the High Commissioner with the State Attorney General who indicated that she would look into the situation of young detainees.

Israeli Commission of Inquiry

79. On 11 November, the Government of Israel decided to establish a State commission of inquiry to inquire into the clashes, since 29 September, between the security forces and Israeli citizens in which 13 Arabs were killed and hundreds of people injured. The Commission, composed of three members, will be chaired by a justice of the Supreme Court. The Judicial Commission of Inquiry Law gives this Commission full power to subpoena and obtain information from anyone it deems may be able to assist in its inquiry. Witnesses who testify before it enjoy full immunity. Its mandate is to investigate how the events developed, determine the facts and draw conclusions. The Commission of Inquiry will decide for itself whether to publish its findings. It will not address cases which occurred in the occupied Palestinian territories or cases involving non-Israeli citizens.

80. Some Arab Israeli NGOs have welcomed the establishment of the Commission of Inquiry, while regretting that time was lost by the Government in establishing initially a more limited "examining committee". Others have expressed scepticism as to whether it will adequately address the issues.

National human rights commission

81. Recent events in Israel have underlined the need to strengthen national mechanisms for the protection and promotion of human rights, especially in the area of non-discrimination. In this context, the High Commissioner noted the positive steps being taken towards the establishment of an independent national human rights commission.

82. During the High Commissioner's meeting with the Minister of Justice and representatives of civil society such as human rights lawyers, academics and experts, the Minister reiterated his commitment to establish a human rights commission. He mentioned that the Minerva Center for Human Rights at the Hebrew University of Jerusalem had undertaken to carry out research on national human rights institutions and to recommend a model for an Israeli institution. In the first stage of the project, the research team examined international guidelines and the legislative

and administrative structure, function and modes of operation of human rights institutions in other countries. The NGO community had also been consulted when the proposal was being drawn up and their concerns, ideas and suggestions had been discussed with the research team.

83. Following these consultations the research team will prepare a draft report which will be distributed for comments among government officials, academic institutions and the NGO community. The final proposal, which will incorporate the responses on the draft report, will be presented to the Minister of Justice by March 2001. The High Commissioner was advised that the proposal will include recommendations on the relationship between the human rights commission and the Parliament and the Government, as well as existing executive bodies, such as the State Comptroller, the Ombudsman and the recently established Commission for Equal Rights for People with Disabilities. The final report will present the amendments needed to current legislation and recommend draft implementing legislation.

84. The High Commissioner offered the services of her Special Adviser on National Human Rights Institutions to assist the Government in its efforts towards the establishment of a national commission. On 17 November, the High Commissioner wrote to the Minister of Justice reiterating this offer.

VI. VISIT TO EGYPT

85. The High Commissioner visited Egypt to discuss with senior officials and the Secretary General of the League of Arab States the human rights situation in the occupied Palestinian territories and the follow-up to the fifth special session of the Commission on Human Rights.

86. In Cairo, the High Commissioner met with the Minister for Foreign Affairs, Mr. Amr. Musa, together with senior officials of the Ministry of Foreign Affairs. The Minister briefed the High Commissioner on steps taken by Egypt at the political level to assist in resolving the present conflict, including implementation of the agreement reached at Sharm El Sheikh. He expressed his Government's deep concern at the continuing deterioration of the situation in the occupied Palestinian territories and the impact it was having on the Palestinians. In this regard he raised the question of Israel's compliance with the Fourth Geneva Convention and referred to the necessity to implement the decisions taken during the fifth special session. The High Commissioner briefed the Minister on her visit and, in response to the concerns expressed with regard to access for humanitarian aid, the High Commissioner informed the Minister that she had made representations to the Israeli authorities concerning access for humanitarian relief supplies destined for the occupied territories.

87. During the High Commissioner's meeting with the Secretary General of the League of Arab States, Dr. Ismat Abdel-Maguid, the latter referred to the concerns expressed in Arab countries with regard to the situation of the Palestinians and steps taken by the members of the League of Arab States following their meeting in Cairo on 19 October. He expressed his appreciation of the High Commissioner's decision to visit Israel and the occupied Palestinian territories at a very difficult time. He also declared the readiness of Arab countries to support the resolution adopted at the fifth special session and indicated that he was looking forward to its implementation.

VII. VISIT TO JORDAN

88. In Jordan, the High Commissioner was received by His Royal Majesty King Abdullah II. He expressed deep concern about recent developments in Israel and the occupied territories and mentioned that Jordan was sparing no efforts to assist both parties in the implementation of the decisions agreed upon in Sharm el Sheikh. In terms of humanitarian assistance, King Abdullah described the extensive relief programme put in place by Jordan, including a hospital in the West Bank.

89. In a separate meeting with the Deputy Prime Minister and with senior officials from the Ministry of Foreign Affairs, the High Commissioner was made aware of Jordan's concern about current events, particularly given the strong ties between the Jordanian and Palestinian peoples.

VIII. CONCLUSIONS AND RECOMMENDATIONS

90. The High Commissioner came away from her visit deeply concerned about the serious deterioration of the human rights situation in the occupied territories and Israel and at the terrible cost in terms of human lives. It is vital that both parties renew efforts to halt the current dangerous escalation.

91. Mindful of the urgent and widespread calls for international protection made to her during her visit to the occupied territories, the High Commissioner believes that every effort should be made to explore the feasibility of establishing an international monitoring presence.

92. The only path to lasting peace and stability is through peaceful negotiation, which calls for courage and responsibility on the part of the leadership of both sides. When she met with Chairman Arafat in Gaza on 15 November, the High Commissioner asked him if he would publicly call for an end to the shooting by Palestinians. Later the same day he called on Palestinians to stop firing on Israeli targets from zone "A" of the occupied territories. In discussions with senior IDF officers, the High Commissioner also urged a withdrawal of Israeli military forces from some of their forward positions and a lowering of the military profile in the occupied territories. She continues to believe that some specific steps in that direction by the IDF could help to break the present cycle of violence.

93. The High Commissioner believes that a peaceful and stable future in the region can only be achieved on the basis of a framework conforming to the requirements of international human rights and humanitarian law. Full application of the international human rights standards set out in the Universal Declaration of Human Rights and the two Human Rights Covenants is essential.

94. The High Commissioner recalls that the General Assembly and the Commission on Human Rights have repeatedly reaffirmed the de jure applicability of the 1949 Fourth Geneva Convention relative to the Protection of Civilians in Time of War to the occupied Palestinian territories. Article 1 of the Convention places a duty on all the High Contracting Parties "to respect and to ensure respect" of the provisions of the Convention "in all circumstances". It would be appropriate for the High Contracting Parties to assume their responsibility under the Convention.

95. Another way in which the international community can assist is through the work of the task force established under the terms of the Sharm El Sheikh Agreement.

96. The High Commissioner would urge that the following specific steps be taken in order to stop the escalation of violence:

The security forces of both sides should act in full conformity with the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Whenever force is used the principle of proportionality has to be applied and all necessary measures have to be taken to avoid loss of life or injury to civilians or damage to civilian property.

The construction of new settlements should cease and those located in heavily populated Palestinian areas should be removed. As well as protecting settlers, the Israeli security forces should also protect Palestinians from violence perpetrated by Israeli settlers.

All cases of the use of lethal force on both sides should be investigated and subjected to the processes of justice in order to avoid impunity.

Compensation should be provided to the victims of unlawful use of force, including for the loss of property.

Curfews should be imposed only in extreme circumstances and as a last resort. In no case should curfews be used as a punitive measure. In cases where a curfew is imposed, it should be done in consultation with the local communities with a view to limiting the adverse impact on the human rights of those affected.

The enjoyment of economic rights within the occupied Palestinian territories, including the right to development, should be protected.

All holy sites and access to them by all faiths should be respected.

The Israeli authorities should ensure freedom of movement of international and national staff of United Nations agencies and facilitate access by them to those in need of assistance.

Cooperation with the United Nations agencies is vital to ensure effective humanitarian assistance in the occupied Palestinian territories.

97. The High Commissioner will:

Continue, through her office in the occupied Palestinian territories, to assist the Palestinian Authority to build up its institutional capacity in the area of the rule of law;

Offer the services of her Special Adviser on National Human Rights Institutions to assist the Government of Israel in its efforts towards the establishment of a national human rights commission;

Provide the necessary secretariat support for actions undertaken by the Commission on Human Rights, and its mechanisms, in the implementation of the resolution adopted at its fifth special session;

Stand ready to facilitate dialogue between the human rights bodies of Israel and the Palestinian Authority, Palestinian and Israeli NGOs, and other representatives of civil society in order to enhance mutual understanding;

Urge the international community to support the work of United Nations agencies in the occupied Palestinian territories and, in this context, contribute generously to the different resource mobilization initiatives currently under way including those of the World Food Programme, UNICEF, the World Health Organization and UNRWA.

Annex*

PROGRAMME OF THE VISIT IN THE OCCUPIED PALESTINIAN TERRITORIES AND ISRAEL

A. Visit to the occupied Palestinian territories

1. Meeting with members of the Palestinian Authority

Mr. Yasser Arafat, President
Mr. Tayeb Abdel Rahim, Minister of Presidential Affairs
Mr. Freih Abu Middain, Minister of Justice
Mr. Zouhdi Nashashibi, Minister of Finance
Mrs. Intissar Al Wazir, Minister of Social Affairs
Dr. Riyadh Al-Zaanoun, Minister of Health
Mr. Youssef Abu Safia, Minister of Environment
Mr. Abdul Rahman Hamad, Minister of Housing
Mr. Ziyad Abu Zayyad, Minister of Jerusalem Affairs
Mr. Rafeeq Natshah, Minister of Labour
Mr. Ali Al Qwasma, Minister of Transportation
Mr. Talal Sadr, Minister without portfolio
Mr. Ahmad Said Tamimi, Acting Minister of the Interior
Mr. Ibrahim abu Dhaga, Presidential Adviser for Human Rights
Mr. Ahmed Soboh, Assistant to the Minister of Planning and International Cooperation (MOPIC)
Ms. Samia Bamia, Director, United Nations and International Organizations, Ministry of Planning and International Cooperation

2. Meeting with members of the Palestinian Legislative Council

Mr. Ahmed Qurai, Chairman
Mr. Qadurah Faris, Head of the Oversight and Human Rights Committee
Mr. Ghasi Hanania, Deputy Speaker
Mr. Jamal Al Showbaki, Member
Mr. Suleyman Abu Snaina, Member
Mr. Abdul Jawad Saleh, Member
Mr. Azmi Shouaibi, Member

3. Meeting with members of the Palestinian Independent Commission for Citizen's Rights

Dr. Hayder Abed-Elshafi, Commissioner General
Dr. Said Zeydani, General Director in Ramallah

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* The annex is reproduced in English only.

4. Meetings with other Palestinian officials, academics and representatives of civil society

Mr. Mustafa Abdel Nabi Al-Natshah, Mayor of Hebron
Dr. Fathi Arafat, Chairman of the Palestinian Red Crescent Society
Dr. Sari Nusseibeh, President of Al-Quds University in Jerusalem
Dr. Ali Jirbawi, Head, Political Science Department Birzeit University and Project Coordinator for Human Rights Issues, Education Department, UNRWA
Dr. Hanan Ashrawi, Member of the Palestinian Legislative Council and Secretary-General of Global Dialogue and Democracy ("Miftah")
Mr. Sulaiman Al Najjab, Member of the Executive Committee of PLO

In addition, the High Commissioner met with rallies of children in Gaza and in El Bireh (Ramallah), a delegation of expatriate volunteers in East Jerusalem at the UNDP office, as well as other Palestinian civilians (refugees, displaced persons, farmers, educators, doctors and schoolteachers).

5. Meeting with Palestinian NGOs at the office of the United Nations Coordinator in the Occupied Territories (UNSCO), Gaza (11 November 2000)

Democracy and Workers Rights
Centre for Economic and Social Rights
Al Mizan Centre for Human Rights
Palestinian Centre for Human Rights
Palestinian Society for Human Rights
The Palestinian Association for Legal Sciences
Addameer
Gaza Centre for Rights and Law
Mashriqqyiat
Cultural and Free Thought Centre
Tamer Institute for Community Education
Red Crescent Society
Gaza Community Mental Health
National Rehabilitation Society for Handicapped
Women Affairs Technical Committee
General Union of Palestinian Women
Women Affairs Centre
Palestinian Hydrologist Group
Palestinian Bar Association
Union of Palestinian Medical Relief Committees

6. Meeting with Palestinian NGOs in East Jerusalem at the UNDP office (12 November 2000)

Rawdat-E-Zuher
St. John Eye Hospital
Jerusalem Centre for Economic and Social Rights
Gender Planning Development
Palestinian Counselling Centre
Union of Health Work Committees
Palestinian Prisoner Society
Makassed Society in Jerusalem
ECRC-PNGO
Jerusalem Centre for Women
Arab Thought Forum
Palestinian Society for the Protection of Human Rights and Environment (LAW)
Adameer Association
Land Research Centre
Palestinian Human Rights Monitoring Group
Palestinian Academic Society for the Study of International Affairs (PASSIA)
Palestinian Agriculture Relief (PARC)
Medical Relief Committees/Jerusalem
Al-Haq
Early Childhood Resource Centre

7. Meeting with Palestinian NGOs, El-Bireh, Ramallah (13 November 2000)

Birzeit Law Institute
Bisan Centre for Research and Development
Association of Women for Social Work
Women Union Centre
Union of Women Centres - Palestine
Palestinian Bar Association
Jerusalem Legal Aid Centre
Jerusalem Centre for Women
PNGO Network
Association of Palestinian Local Authorities
Women's Studies Centre
Women's Centre for Legal Aid and Counseling
Al-Haq
Law Society
Arab Thought Forum/Citizen Rights Centre
Defence for Children International/Palestinian Section
Palestinian Happy Child Centre – PHCC
Adameer

Guidance and Training Centre for the Child and Family
Palestinian Mother and Child Care Society
General Union of Disabled Palestinians
Palestinian Working Women Society
Freedoms Defence Centre
Democracy and Workers' Rights Centre
Resource Centre for Palestinian Residency and Refugee Rights (BADIL)
Treatment and Rehabilitation Centre for Victims of Torture
Mandela Institute for Political Prisoners

8. Meeting with representatives of the Muslim, Christian and Armenian communities, East Jerusalem (12 November 2000)

Mr. Ramzi Zananiri, Executive Director
Near East Christian Council Committee for Refugee Work, Jerusalem/West Bank

Mr. Harry Hagopian
Executive Director, Middle East Council of Churches
Convenor, Jerusalem Inter-Church Committee
Legal Consultant, London, United Kingdom

Fr. Raed Abusahlia
Chancellor of the Latin Patriarchate
Secretary of Patriarch Michel Sabbah

Bishop Aris Shirvanjan
Director for Ecumenical and Foreign Relations of
the Armenian Patriarchate, Jerusalem

Dr. Mustafa Abu Sway
Director
Islamic Research Centre
Al-Quds University
Jerusalem

Sheikh Ikrama Said Sabri
General Mufti of Jerusalem and Palestinian territories
Preacher of Al-Aqsa Mosque

Sheikh Yaakoub Karrach
Director of Islam Fiqh Centre
and member of the Palestinian National Council

9. Locations visited by the High Commissioner in the occupied Palestinian territories

A. Gaza Strip

Erez checkpoint
Shifa Hospital
Netzarim junction
Al-Mazra'a school in Deir El-Balah, opposite Kfar Darom settlement
Affected houses near the border fence in Rafah
Rafah Health Centre
Rafah preparatory girls school
Uprooted farms near Moraje settlement in Rafah

B. West Bank

East Jerusalem
Ramallah
El Bireh
Hebron with the Temporary International Presence in Hebron (TIPH)
Jalazon refugee camp
Jalazon preparatory boys school

10. Meeting with United Nations officials

Mr. Terje R. Larsen, United Nations Special Coordinator for the Middle East peace process and Personal Representative of the Secretary-General to the PLO and the PA
Mr. Peter Hansen, Commissioner General of UNRWA
Mr. Timothy Rothermel, UNDP, Special Representative of the Administrator

In addition, the High Commissioner met with representatives of the following United Nations bodies and agencies in Gaza:

Office for the Coordination of Humanitarian Affairs
International Monetary Fund
United Nations Children's Fund
United Nations Development Fund for Women
United Nations Development Programme
World Food Programme
World Health Organization

11. Meeting with staff of the Office of the High Commissioner for Human Rights in the occupied Palestinian territories (Gaza and the West Bank)

Mr. Amin Medani, Director, Chief Technical Adviser
Mr. Saber Nairab, Human Rights Officer (Gaza)
Mr. Ammar al Dwaik, Human Rights Officer (West Bank)
Ms. Wijdan Jaber, Administrative Assistant
Ms. Eman Fathi, Secretary
Mr. Fawzi Al Akra'a, Logistics Officer

B. Visit to Israel

H.E. Mr. Moshe Katzav, President of the State of Israel
The Hon. Aharon Barak, President of the Supreme Court
Mr. Yossi Beilin, Minister of Justice, together with the following guests at a lunch hosted by him:

Mr. Shlomo Gur, Director General, Ministry of Justice
Mrs. Edna Arbel, State Attorney
Mrs. Osnat Mandel, Acting Director, High Court of Justice Division, State Attorney's Office
Ms. Tamar Gaulan, Director, Foreign Relations and International Organizations, Ministry of Justice
Mr. Daniel Levy, Senior Advisor to the Minister of Justice
Mr. Amir Avramovitch, Media Advisor to the Minister of Justice
Ms. Rachel Harris, legal intern
Ms. Colette Avital, Member of the Knesset
Mrs. Zehava Gal'on, Member of the Knesset, Head of the Meretz parliamentary faction
Mrs. Pnina Herzog, President, International Counsel of Women
Prof. David Kretzmer, member of the United Nations Human Rights Committee
Prof. Mordechai Kremnitzer, Israel Democracy Institute
Prof. Ruth Gavison, Faculty of Law, Hebrew University
Dr. Daphna Sharfman, Chair, Political Science Department, Western Galilee College
Dr. Eddy Kaufman, Board Member, Human Rights Watch, Middle East
Mrs. Orna Rabinovitch Pundak, former Chairperson, Amnesty International, Israeli Section
Mr. Moshe Negbi, political commentator
Mr. David Peleg, former Permanent Representative, Permanent Mission of Israel to the United Nations at Geneva
Mr. Mordechai Yedid, Deputy Director General, International Organizations, Ministry of Foreign Affairs
Mr. Yaakov Paran, Director, Human Rights Department, Ministry of Foreign Affairs
Mr. Zeev Lurie, Deputy Director, Human Rights Department, Ministry of Foreign Affairs

Dr. Alon Leal, Director General of the Ministry for Foreign Affairs and other senior officials of the Ministry
Major General Eiland and senior officers of the Israeli Defense Forces (IDF)
General Ya'acov Or, IDF Coordinator for the Territories, and other IDF officials
Families from Gilo community
Ms. Naomi Chazan, Member of the Knesset

In addition, the High Commissioner met with representatives of civil society (academics and human rights defenders), Members of the Knesset and other Israeli officials, including the State Prosecutor.

Meeting with Israeli and Arab NGOs in Jerusalem (9 November 2000)

Btselem Israeli Information Centre for Human Rights in the Occupied Territories
HaMoKed Centre for the Defence of the Individual
Public Committee against Torture in Israel
Defence for Children International (Israel Section)
Ittijah Union of Arab Community Based Association
Physicians for Human Rights
Association for Civil Rights in Israel (ACRI)
Rabbis for Human Rights
Adalah Legal Centre for Arab Minority Rights in Israel
Mossawa Centre
Ms. Tamar Pelleg, human rights lawyer

Visit to the "Yad Vashem" Martyr's and Heroes' Memorial of the Holocaust

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